



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 9 – PACIFIC SOUTHWEST REGION**  
**75 Hawthorne Street**  
**San Francisco, CA 94105-3901**

VIA EMAIL

Walter Haase  
General Manager  
Navajo Tribal Utility Authority  
P.O. Box 170  
Fort Defiance, AZ 86504  
[walterh@ntua.com](mailto:walterh@ntua.com)

RE: Request for Information under Section 308(a) of the CWA - Navajo Tribal Utility Authority  
EPA Docket No. CWA-308-9-21-004

Dear General Manager Haase:

The U.S. Environmental Protection Agency, Region 9 (EPA) is requesting information from the Navajo Tribal Utility Authority (NTUA) regarding discharges of effluent from its wastewater treatment facilities (Facilities) serving the Twin Arrows Casino (NPDES Permit NN0030344) and Northern Edge Casino (NPDES Permit NN0030343). Pursuant to the EPA's information gathering authority under Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), EPA hereby requests that NTUA provide the information specified in the attached Request for Information, Attachment 1, by **May 14, 2021**.

Please email your response to the attached Request for Information to:

Beth Aubuchon  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 9  
[Aubuchon.elizabeth@epa.gov](mailto:Aubuchon.elizabeth@epa.gov)

and

Susanne Perkins  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 9  
[Perkins.susanne@epa.gov](mailto:Perkins.susanne@epa.gov)

All submittals in response to this letter must be accompanied by the following certification signed by an authorized representative in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly

responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

NTUA may not withhold from EPA any information on the grounds that it is confidential business information. However, you may assert, at the time of submission, a claim of business confidentiality for part or all of the requested information by following the requirements at 40 C.F.R. § 2.203(b). EPA will not disclose business information covered by such claim except as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of business confidentiality accompanies your submission, EPA may make the information available to the public without further notice to you. All confidentiality claims are subject to EPA verification.

Failure to comply with this Request for Information can result in an enforcement action for appropriate remedies, including penalties, under section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Request for Information does not relieve NTUA of its obligation to comply with the CWA or other applicable laws and permits.

The Request for Information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a “collection of information” under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

Thank you for your cooperation and prompt attention to this letter. If you have any questions regarding this Request for Information, please contact Beth Aubuchon at 415-972-3327 or [aubuchon.elizabeth@epa.gov](mailto:aubuchon.elizabeth@epa.gov) and Susanne Perkins at 415-972-3208 or [perkins.susanne@epa.gov](mailto:perkins.susanne@epa.gov). Please have your counsel direct any legal questions to Rich Campbell at 415-972-3870 or [campbell.rich@epa.gov](mailto:campbell.rich@epa.gov).

Sincerely,

Eric Magnan, Manager  
Water Section I  
Enforcement and Compliance Assurance Division

Enclosure

cc (via email):  
David Shoultz [davids@ntua.com](mailto:davids@ntua.com)  
Ronnie Ben [ronnieben@navajo-nsn.com](mailto:ronnieben@navajo-nsn.com),  
Patrick Antonio [patrickantonio@navajo-nsn.com](mailto:patrickantonio@navajo-nsn.com),  
Melinda O’Daniel [modaniel@navajo-nsn.com](mailto:modaniel@navajo-nsn.com)

## ATTACHMENT 1

Request for Information, EPA Docket No. CWA-308-9-21-004

Under the authority of section 308(a) of the CWA, 33 U.S.C. § 1318(a), EPA requests that NTUA provide the information described below (“Request for Information”) regarding the Twin Arrows Casino Wastewater Treatment Facility (NPDES Permit NN0030344) located at 22181 Resort Boulevard, Flagstaff, AZ 86004 and the Northern Edge Casino Wastewater Treatment Facility (NPDES Permit NN0030343) located at 2752 Indian Service Road 36, Fruitland, New Mexico 87416.

### INSTRUCTIONS

1. Separate Response for Separate Question. Provide a separate narrative answer to, and segregate responsive documents by each question or its subpart. Precede each answer with the number of the corresponding question or its subpart.
2. Best Information Available. Respond to the best of your ability, even if documents are not available. Explain any qualified response. If you do not have the responsive information but know the person from whom the information may be obtained, identify the person.
3. Document Submission. Whenever requested to provide documents, provide copies of all responsive documents in your possession, custody or control. If a responsive document was, but no longer is, in your possession, custody or control, explain what was done with it. If another person has possession, custody or control of the document, identify the person. If the document was disposed of, explain when and why it was disposed of and who disposed of it.
4. Use of Document in Place of Answer. If a document provides the complete answer to a question, you may use it in place of a written answer by supplying the document and appropriately identifying the applicable portion of the document as answering a specific numbered question.
5. Document Alteration or Deletion. Explain the reason and identify the person responsible for any deleted, altered or redacted portion of a submitted document.
6. Obligation to Correct. If you later discover that any submitted information is incorrect, submit a corrected response as soon as possible.
7. No Effect on Other Legal Obligations. This information request in no way alters or relieves you of other legal responsibilities or restrictions.

### DEFINITIONS

The following terms shall have the following definitions for this Request for Information:

1. “Document” means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to

exist, including all originals, drafts and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contracts, agreements, bid documents, purchase orders, work orders, invoices, manifests, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.

2. "Facility" shall mean the building or buildings of Twin Arrows Casino Wastewater Treatment Facility NPDES Permit NN0030344 located at 22181 Resort Boulevard, Flagstaff, AZ 86004 or the Northern Edge Casino Wastewater Treatment Facility NPDES Permit NN0030343 located at 2752 Indian Service Road 36, Fruitland, New Mexico 87416.

### REQUEST FOR INFORMATION

Please provide the following documents, information, and communications for each Facility from January 1, 2020 to April 30, 2021 by May 14, 2021. If no such document, information, and/or communication exist, then so state explicitly.

1. Influent and Effluent flow readings from the onsite flow meters for each Facility.
2. Wastewater Treatment Facility Operator log books for each Facility.
3. Laboratory Documents for influent and effluent sampling for each Facility.
  - a. Laboratory Certification
  - b. Field notes
  - c. Chain of custody
  - d. Bench sheets
  - e. Sample analysis
4. Meter billing information for the casinos and any other businesses that send wastewater to either Facility.
5. Supervisory Control and Data Acquisition (SCADA) information for each Facility.
6. Any internal correspondence that discusses discharge and/or sampling from either Facility.
7. Any agreements, contracts or internal correspondence that document the relationship between the Facility owner(s) and NTUA and describe the responsibilities of each party as it relates to operation of the Facilities.